

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

Hartford Life and Accident Insurance Company,)	Civil Action No. 1:11-00728-JMC
)	
)	
Plaintiff,)	
v.)	
Madalyn Mavris Wheatley ¹ and Christina Mavris,)	<u>ORDER AND OPINION FOR DISBURSEMENT OF INTERPLEADED PROCEEDS</u>
)	
Defendants.)	
)	

Plaintiff Hartford Life and Accident Insurance Company (“Hartford”) filed the instant interpleader action against Defendants Madalyn Mavris Wheatley and Christina Mavris (collectively the “Sisters”) on March 25, 2011, seeking a determination regarding the distribution of one-half (1/2) of the proceeds from life insurance policy numbers GL 674267 and GL 33913 (collectively the “Policies”) issued by Hartford. (ECF No. 1.) Specifically, Hartford asserts that the Sisters were identified as the two beneficiaries of the Policies covering the insured, Dana E. Davis, who was the mother of the Sisters. (Id. at 2 ¶¶ 7, 8 (referencing ECF No. 1-1 at 2).) Following her mother’s death, Madalyn Mavris Wheatley was paid one-half (1/2) of the proceeds from the Policies, minus an amount she assigned to cover her mother’s funeral costs. (Id. at 3 ¶ 11 (referencing ECF No. 1-3 at 2).) Christina Mavris’ entitlement to the other one-half (1/2) of the proceeds from the Policies was called into question after she was charged with the murder of Dana E. Davis. (Id. at 3 ¶ 14.)

On May 4, 2011, the court granted a motion by Hartford pursuant to Fed. R. Civ. P. 22 to deposit the remaining one-half (1/2) of the insurance proceeds totaling \$46,932.75 into the

¹ On February 27, 2013, Madalyn Mavris communicated to the court that her name was now Madalyn Mavris Wheatley. (See ECF No. 40.)

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registry in the Office of the Clerk of Court and, subsequently, dismissed Hartford from the case on June 21, 2011. (ECF Nos. 9, 17.) On August 14, 2013, Christina Mavris pleaded guilty but mentally ill to the manslaughter/voluntary manslaughter of Dana E. Davis and was sentenced to eighteen (18) years in the South Carolina Department of Corrections. The State v. Christina Elizabeth Mavris, Case No. 2012-GS-02-01009 (S.C. Ct. Gen. Sess. sentenced Aug. 14, 2013).

This matter is now before the court by way of written requests by the Sisters that Madalyn Mavris Wheatley receive the remaining one-half (1/2) of the proceeds from the Policies. (See ECF Nos. 40, 54.) Specifically, on October 28, 2013, Christina Mavris advised the court that she was “aware that my sister has not received the insurance policy yet [and she] hope[d] she [Madalyn] receives it soon.” (ECF No. 54 at 2.)

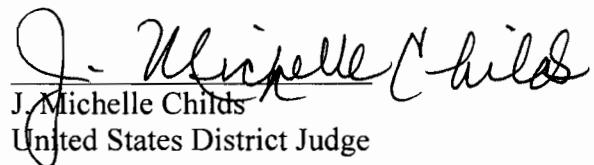
Upon consideration, the court notes that under South Carolina law, “[a] named beneficiary of a . . . life insurance policy, . . . who feloniously and intentionally kills the principal obligee or the person upon whose life the policy is issued is not entitled to any benefit under the . . . policy . . . and it becomes payable as though the killer had predeceased the decedent.” S.C. Code Ann. § 62-2-803(c) (1997). Therefore, based on Christina Mavris’ conviction for the voluntary manslaughter of Dana E. Davis, the proceeds from the Policies should have been paid as though Christina Mavris had predeceased her mother. Accordingly, Madalyn Mavris Wheatley was entitled to receive the full amount of the proceeds from the Policies following her mother’s death.

For the foregoing reasons, the court finds that Madalyn Mavris Wheatley is the only presumed beneficiary of Dana E. Davis under South Carolina law. Therefore, Madalyn Mavris Wheatley is entitled to receive the proceeds from life insurance policy numbers GL 674267 and GL 33913 issued by Hartford Life and Accident Insurance Company, which proceeds are

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currently being held in the registry in the Office of the Clerk of Court. Accordingly, the Office of the Clerk of Court shall disburse forthwith to Madalyn Mavris Wheatley proceeds totaling \$46,932.75 plus accrued interest.

IT IS SO ORDERED.


J. Michelle Childs
United States District Judge

December 13, 2013
Greenville, South Carolina

